

MORRISON & FOERSTER LLP
MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
333 Main Street
Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300
STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
1999 Harrison St., Suite 900
Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway
Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. CV 10-03561 WHA

**[PROPOSED] ORDER GRANTING ORACLE
AMERICA, INC.'S MOTION TO DISMISS
DEFENDANT'S INVALIDITY
COUNTERCLAIMS AND STRIKE CERTAIN
AFFIRMATIVE DEFENSES AND IMPERTINENT
MATTER**

Date: December 2, 2010
Time: 8:00 am
Dept.: Courtroom 9, 19th Floor
Judge: Honorable William H. Alsup

1 Oracle America's Motion to Dismiss Defendant's Invalidity Counterclaims and Strike
2 Certain Affirmative Defenses and Impertinent Matter came for a hearing on December 2, 2010
3 before the Honorable William H. Alsup. The Court, having considered the papers filed in support
4 of and in opposition to the motion, the arguments presented at the hearing, and other matters
5 relevant to the determination of the motion, hereby GRANTS the motion to dismiss and strike.

6 IT IS SO ORDERED, Defendant Google, Inc.'s counterclaims for declaratory judgment
7 of invalidity (Counts 2, 4, 6, 8, 10, 12, and 14 of Google's counterclaims) are DISMISSED; and
8 its Second, Third, Fourth, Fifth, Seventh, Ninth, Eleventh, Twelfth, and Thirteenth Affirmative
9 Defenses, and paragraphs 7 through 22 of the Factual Background section of its Counterclaims
10 are STRICKEN.

11
12
13 Dated: _____ 2010

Honorable William H. Alsup
United States District Court Judge